

R E M A R K S

Claims 1 to 53 are pending in the present application.

Claims 1, 34 to 36, 39 to 43, 45, 47, 49, 52, and 53 are independent.

Claims 47 to 53 have been cancelled herein without prejudice to pursue them in another application.

Claims 1 to 46 will be pending upon entry of this amendment.

Claims 1 to 39 and 41 to 53 stand rejected as anticipated under 35 U.S.C. Section 102(b) by U.S. Patent No. 5, 569,082 filed April 6, 1995 and issued October 29, 1996 to Perry Kaye (hereinafter "Kaye"). Claim 40 stands rejected as being unpatentable under 35 U.S.C. Section 103(a) over Kaye in view of U.S. Patent No. 6,302,794B1 filed February 26, 1999 and issued October 16, 2001 to Masaki Ogawa (hereinafter "Ogawa"). Despite the fact that Applicants respectfully do not agree with the Examiner's rejections, Applicants have amended each of the pending independent claims to expedite allowance by making it explicitly clear that allocation of outcome amounts in Applicants' invention is "based on a parameter specified by a player" and thus, Applicants' invention is patentably distinct over the cited references. The original and cancelled claims will be pursued in another application.

It is submitted that as amended, all of the pending claims are in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Steven Santisi at telephone number 203-461-7054 or via electronic mail at santisi@walkerdigital.com.

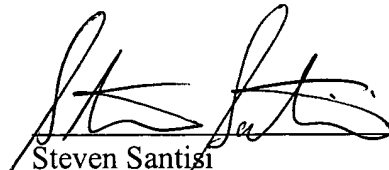
Petition for Extension of Time to Respond

Applicants hereby petition for a **three-month** extension of time with which to respond to the Office Action. Please charge \$460.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,

10/7/02
Date _____



Steven Santisi
Attorney for Applicants
Registration No. 40,157
Alderucci@WalkerDigital.com
Walker Digital LLC
203-461-7054 / voice
203-461-7300 / fax

C L A I M A M E N D M E N T S
(Marked-Up Form)

Please **CANCEL** Claims **47** to **53**

Please **AMEND** Claims **1** to **6**, **34** to **36**, **39** to **43**, and **45** as follows:

(AMENDED) 1. A method of operating a gaming device, comprising:
determining an outcome amount associated with a total number of events; and
based on a parameter [associated with] specified by a player, allocating the outcome
amount among the total number of events, wherein the total number of events is greater than one.

(AMENDED) 2. The method of claim 1, wherein the parameter [associated with]
specified by the player comprises [at least one of: (i) the outcome amount, and (ii)] the total
number of events.

(AMENDED) 3. The method of claim 1, wherein the parameter [associated with]
specified by the player comprises at least one of: [(i)] a payout distribution preference, [(ii)] a
payout frequency preference, [(iii)] a payout magnitude preference, [(iv)] a payout location
preference, [(v)] a standard deviation associated with said allocating, [(vi)] a payout order
preference, [(vii)] a total wager amount, [(viii)] an event wager amount, [(ix)] a total time period,
[(x)] a game format,] and [(xi)] a payout currency preference.

(AMENDED) 4. The method of claim 1, wherein the parameter [associated with]
specified by the player comprises at least one of: (i) demographic information, (ii) psychographic
information, and (iii) player history information.

(AMENDED) 5. The method of claim 1, further comprising:
retrieving a stored indication of the parameter [associated with] specified by the player.

(AMENDED) 6. The method of claim 1, further comprising:
receiving an indication of the parameter [associated with] specified by the player.

(AMENDED) 34. A method of operating a gaming device, comprising:
arranging for a player to provide payment of an amount based on a total wager amount;
determining an outcome amount in response to the player providing the total wager amount;
based on a parameter [associated with] specified by the player, distributing the outcome amount among a plurality of scratch-off type instant game tickets;
revealing to the player a result associated with at least one of the scratch-off type instant game tickets; and
arranging for the player to receive payment of an amount associated with the result.

(AMENDED) 35. A computer-implemented method of facilitating instant lottery ticket game play, comprising:
arranging for a player to provide payment of an amount based on a total wager amount;
receiving, via a communication network, an indication of an outcome amount associated with an original number of lottery tickets;
allocating the outcome amount among the original number of lottery tickets based on a parameter specified by the player;
determining a modified number of lottery tickets;
re-allocating the outcome amount among the modified number of lottery tickets according to at least one of: (i) a predetermined rule, (ii) a predetermined formula, (iii) a stored outcome table, and (iv) a random process, wherein said re-allocating comprises associating a lottery ticket payout amount with at least one of the modified number of lottery tickets;
revealing the lottery ticket payout amount to the player; and
arranging for the player to receive payment of an amount associated with the lottery ticket payout amount.

(AMENDED) 36. A game apparatus, comprising:
a processor; and
a storage device in communication with said processor and storing instructions adapted to be executed by said processor to:

determine an outcome amount associated with a total number of events, and
based on a parameter [associated with] specified by a player, allocate the outcome amount among the total number of events, wherein the total number of events is greater than one.

(AMENDED) 39. A medium storing instructions adapted to be executed by a processor to perform a method of operating a gaming device, said method comprising:

determining an outcome amount associated with a total number of events; and
based on a parameter [associated with] specified by a player, allocating the outcome amount among the total number of events, wherein the total number of events is greater than one.

(AMENDED) 40. A method of operating a gaming device, comprising:
determining an expected value associated with a player; and
based on a parameter [associated with] specified by the player, allocating the expected value among a total number of events.

(AMENDED) 41. A method of operating a gaming device, comprising:
determining an outcome amount associated with a player; and
based on a parameter [associated with] specified by a player, allocating the outcome amount over at least one of: (i) time, and (ii) a representation of space.

(AMENDED) 42. A method of operating a lottery device, comprising:
arranging for a player to provide, via a payment identifier, payment of a total wager amount;
transmitting an indication associated with the total wager amount to a controller;
receiving an indication associated with a total payout amount from the controller;

receiving from the player an indication associated with a total number of lottery events;
based on a parameter [associated with] specified by the player, allocating the total payout
amount among the total number of lottery events;
revealing at least a portion of the total payout amount; and
arranging for the player to receive, via the payment identifier, payment of the total payout
amount.

(AMENDED) 43. A method of facilitating game play, comprising:
determining an outcome amount associated with a player; and
allocating the outcome amount among a total number of events according to a method
specified by the player.

(AMENDED) 45. A method of facilitating game play, comprising:
determining an outcome amount; and
based on a parameter [associated with] specified by a player, allocating the outcome
amount among a total number of events.